C.M. No. 8392-CI of 2008 in
RFA No. 2065 of 2005

Man Bai and others vs. The State of Haryana and others

Present : Mr. S.K. Yadav, Advocate
for the appellants

Mr. Navneet Singh, AAG Haryana

This is an application for disposing of the appeal being covered by decision of this Court in R.F.A. No. 2263 of 2004 titled as *Mahipal and others vs. The State of Haryana and others*.

It is agreed by learned counsel for the parties that the present R.F.A. is covered by judgment dated 26.4.2006 passed in R.F.A. No. 2263 of 2004.

Accordingly, it is disposed off in the same terms as RFA No. 2263 of 2004. The matter is remanded back to the Reference Court for re-determination of the market value of the acquired land on the basis of the evidence led by the parties.

In view of the above stand of learned counsel for the parities, the parties through their learned counsel are directed to appear before District Judge, Gurgaon on 15.10.2009.

The learned District Judge, Gurgaon shall either keep the aforesaid references with himself or shall allocate the same to the court of competent jurisdiction for adjudication.

Since the acquisition in question had taken place in the year 1997, the reference Court shall make an effort to decide the references, as expeditiously as possibly, preferably within a period of six months from the date of appearance of the parties.

Before parting with this judgment, it is clarified that if the claimants have received the compensation in terms of the award of the Reference Court, then they would not be required to refund the same during the pendency of the final determination by the Reference Court.

The question of refund/further payment would abide by the final decision of the Reference Court.

Disposed off in the above terms.

(Nirmaljit Kaur)
04.08.2009 Judge
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